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*Attorneys for Defendant/Counterclaim-Plaintiff
International Business Machines Corporation*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.,

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant/Counterclaim-Plaintiff.

**[PROPOSED]
ORDER GRANTING IBM'S EX PARTE
MOTION FOR LEAVE TO FILE
OVERLENGTH MEMORANDUM IN
SUPPORT OF ITS MOTION FOR
SUMMARY JUDGMENT ON ITS CLAIM
FOR DECLARATORY JUDGMENT OF
NON-INFRINGEMENT (IBM'S TENTH
COUNTERCLAIM)**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

Based upon Defendant/Counterclaim-Plaintiff International Business Machines Corporation's ("IBM") Ex Parte Motion for Leave to File Overlength Memorandum in Support of its Motion for Summary Judgment on its Claim for Declaratory Judgment of Non-Infringement (IBM's Tenth Counterclaim), and for good cause appearing thereon,

IT IS HEREBY ORDERED that IBM may file its overlength Memorandum in Support of its Claim for Declaratory Judgment of Non-Infringement (IBM's Tenth Counterclaim), not to exceed twenty-six pages of argument.

DATED this ____ day of September, 2006.

BY THE COURT

Dale A. Kimball
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of September, 2006, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court and delivered by CM/ECF system to the following:

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